



GENERAL SERVICES ADMINISTRATION

RECORD OF DECISION

UNITED STATES PATENT AND TRADEMARK OFFICE CONSOLIDATION PROJECT

Solicitation for Offers No. 96.004

The United States General Services Administration (GSA) announces its decision, in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the regulations issued by the Council on Environmental Quality (CEQ) (40 CFR Parts 1500-1508), and GSA Order PBS P1095.4B, concerning the selection of a proposal for the U.S. Patent and Trademark Office (PTO) Consolidation. As discussed below, the proposal submitted by LCOR Alexandria, L.L.C., for development of the Carlyle site, has been selected for PTO's consolidation. The purpose of this Record of Decision (ROD) is to clearly communicate GSA's consideration of alternatives and the rationale for selecting the chosen alternative, and to identify any mitigation measures to be implemented as part of that decision.

PURPOSE AND NEED FOR THE PROJECT

The U.S. Patent and Trademark Office is an agency of the United States Department of Commerce responsible for issuing patents, registering trademarks, disseminating information, and administering the laws related to intellectual property. Over the last decade, there has been significant growth in the number of patent and trademark applications filed. PTO's expanding workload will result in a 20 percent increase in PTO staffing from 1998 through the end of 1999, with continued increases projected through 2001.

The PTO currently occupies approximately 1.9 million rentable square feet in 18 separate leased buildings in the Crystal City area of Arlington, Virginia. The current facilities are in need of alterations and expansion to meet PTO's programmatic needs and increased space requirements. The purpose of the proposed consolidation of PTO is to provide a new or rehabilitated building complex on a site in Northern Virginia facility that will improve operational efficiency and better meet the needs of PTO's employees and customers.

BACKGROUND

In the fall of 1995, Congress authorized GSA to competitively lease approximately 2.2 to 2.4 million rentable square feet in Northern Virginia to house PTO for a 20-year term. On June 26, 1996, GSA issued Solicitation for Offers 96.004 (SFO) seeking lease proposals for PTO's consolidated space needs. The SFO requires offerors to provide a maximum of eight (8) buildings in an interconnected complex. Except for retail tenants who are permitted on the ground floors, PTO is required to be the sole tenant. The lease will be for a 20-year firm term with a 10-year lease extension option and purchase options at years 20 and 30. The SFO includes information for the Lessor to design and price its base building construction and outlines the requirements for the interior build out, which will be constructed using a fit-out allowance provided by the Lessor as part of its rental consideration. The Lessor must provide, within the rental consideration: (i) all roads, utilities, landscaping and other necessary site improvements; (ii) all base building construction; and (iii) all necessary tenant improvements.

The SFO provided for a two-phase procurement process. Phase One proposals were evaluated based on the following factors: quality of the site, quality of the design team, and quality of the developer. The SFO identified subfactors related to each Phase I evaluation factor, and provided offerors with the relative percentage weights associated with each factor. GSA received six (6) Phase One proposals in response to the SFO. After evaluating these proposals, four (4) offerors were invited to submit a Phase Two proposal. During Phase Two of the procurement, one of the offerors withdrew from the competition, leaving three active offerors.

The Phase Two evaluation criteria set forth in the SFO were quality of the site (35%), quality of the facility design (45%), quality of the interior architect (10%), and quality of the O&M firm (10%). Under quality of site, subfactors included public transportation access and an offeror's ability and willingness to resolve impacts and implement mitigation measures identified as part of the Government's review of the proposed leasing action under NEPA. Public transportation access was weighted as 20% of this evaluation criterion, with emphasis placed on proximity to metrorail access. Environmental considerations were weighted as 15%. Under quality of facility design, listed subfactors were responsiveness to functional requirements; opportunities for PTO size, mission, and structure to evolve; and flexibility and innovation in the integration of building systems and structure. Each of these subfactors was weighted equally and had further subcriteria listed in the SFO. The SFO provided detail to offerors regarding the specific considerations that would factor into the Government's evaluation of the quality of the interior architect and quality of the O&M firm.

For purposes of the SFO, price was of significantly less importance than the combined weight of the technical factors. However, the SFO provided that price would become more important as the technical merit of proposals became more equal.

As noted above, GSA incorporated its obligations under NEPA into the procurement process. Environmental impacts and mitigation measures identified as part of GSA's review of the proposed leasing action under NEPA, and an offeror's ability and willingness to resolve such impacts and implement mitigation measures was considered as a subfactor to "Quality of Site" in the Phase Two evaluation. The SFO specifically provided that the Government's evaluation of best and final offers would include consideration of an offeror's ability and willingness to resolve impacts and implement mitigation measures identified in the Final Environmental Impact Statement relative to the offeror's proposed site. A site with few or no impacts was considered superior. On the other hand, a site with numerous impacts, and for which an offeror had not demonstrated a willingness and ability to resolve such impacts, was considered poor.

REVIEW OF PROPOSED ACTION UNDER NEPA

On April 12, 1997, GSA noticed its intention to prepare an Environmental Impact Statement (EIS) related to the proposed lease consolidation of PTO. This notice was followed by public scoping meetings in June 1997 and the issuance of a Draft EIS in April 1998. The Draft EIS evaluated the potential impacts of the proposed PTO Consolidation at the three sites evaluated in

Phase Two and identified suggested mitigation measures for such impacts. The Draft EIS also evaluated the effects of a No Action alternative.

Interested members of the public and government agencies submitted written comments on the Draft EIS. In addition, GSA received verbal comments at two public meetings held on April 29 and 30, 1998. GSA received best and final offers (BAFOs), including mitigation plans, from the three offerors of the three alternative sites on November 16, 1998.

On January 22, 1999, GSA issued a Final EIS that responded to comments received on the Draft EIS. Where appropriate, the environmental analysis presented in the Draft EIS was updated. The Final EIS also took into consideration any changes in the offeror proposals or material submitted to GSA from the offerors since publication of the Draft EIS, including their November 17, 1998 BAFOs. A final round of BAFOs was received from offerors on May 21, 1999.

GSA received 12 letters containing approximately 35 comments on the Final EIS in February and March 1999. GSA reviewed and analyzed these comments and, based on its analysis, determined that the comments had been adequately addressed in both the Draft EIS and in responses to public comments in Volume I of the Final EIS. The comments on the Final EIS were considered in making this Record of Decision.

ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS IN THE ENVIRONMENTAL IMPACT STATEMENT

Beginning in 1989, GSA and PTO commenced development of alternatives and plans to consolidate and update the PTO office complex in order to satisfy the agency's long term housing needs. GSA, in coordination with PTO, the Office of Management and Budget, and the Congress, determined that the most reasonable approach to satisfying PTO's long term housing needs was the competitive procurement of long-term leased space.

This competitive procurement action was undertaken in accordance with the requirements of the Competition in Contracting Act (CICA). CICA directs Federal agencies to obtain full and open competition when acquiring property and services. In so doing, CICA requires that an agency evaluate proposals based solely on the factors specified in the solicitation issued for the acquisition of such property and services. Under CICA, an agency cannot consider for award a proposal that fails to satisfy the minimum requirements established in its solicitation.

GSA considered and analyzed in detail in the EIS the three proposals submitted by the Phase Two offerors that purported to satisfy the minimum requirements of the SFO, as well as a No Action alternative. Since the action alternatives purported to satisfy the minimum requirements of the SFO, they also, by extension, potentially satisfied the purpose and need for this proposed action. GSA also received an additional proposal from the offeror of the Crystal City alternative, offering reuse of its existing facilities. However, this "Alternative Scenario" failed to satisfy a number of minimum SFO requirements. For example, the proposal did not provide the interior

Fit-Out Allowance required by the SFO, nor did it meet the SFO's requirements regarding provision of computer facilities, electrical capacity or mechanical efficiency. The Alternative Scenario also failed to provide PTO with a cafeteria or an auditorium, both minimum requirements of the SFO. The Alternative Scenario also failed to meet, among others, SFO requirements related to floor loading capacity, loading docks, and service elevators.

Throughout the procurement, the offeror of the "Alternative Scenario" sought relief from numerous SFO requirements, including those to which its "Alternative Scenario" took exception. GSA considered each such request for relief and, in many cases, granted the requested relief. When granting a requested change did not adversely affect PTO's ability to accomplish its mission or the interests of full and open competition, the requested change was made. However, when granting a requested change did adversely affect PTO's ability to accomplish its mission or the interests of full and open competition, the requested change was not made.

Regardless of the changes to the SFO that GSA made, the "Alternative Scenario", as discussed above, still failed to satisfy numerous SFO requirements. Thus, GSA was prohibited by CICA from considering this Scenario for award. As a result, it was not treated as a reasonable or feasible alternative that could meet the purpose and need of the proposed action, and was not, therefore, substantively evaluated as part of GSA's NEPA review.

ALTERNATIVES EXAMINED IN THE ENVIRONMENTAL IMPACT STATEMENT

The EIS considered three alternative sites for the PTO Consolidation and the No Action alternative. The three alternative sites considered in the EIS are the Crystal City site in Arlington, Virginia, and the Carlyle and Eisenhower Avenue sites in Alexandria, Virginia.

Crystal City Site: The Crystal City site consists of approximately 21 acres located within an existing development of offices, retail, and residential uses in Arlington County. The site includes Crystal Plaza buildings 2 through 4 and Crystal Park buildings 1 through 3.

The proposed PTO campus on the Crystal City site would consist principally of six renovated existing office buildings and two new buildings separated by landscaped open space, surface parking, and roadways. The two new buildings would include: one three-story building that would accommodate a computer center; and the new PTO Center, located above an existing railroad line, that would house PTO's auditorium, cafeteria, public search facility, a second computer center, and the training center.

Carlyle Site: The Carlyle site is comprised of 15 acres located at Dulaney Street and Eisenhower Avenue between Elizabeth Lane and Carlyle Street in Alexandria, Virginia. The site consists of six parcels located within a planned urban mixed-use community.

The proposed PTO complex at the Carlyle site would contain five office buildings and two parking garages flanking the east and west sides of the office buildings. Four of the buildings

would line both sides of Dulaney Street and would be 10 stories each, approximately 130 feet high. The fifth building would be an 18-story, 231-foot high office tower that would be flanked by seven-story wings on either side.

Eisenhower Avenue Site: The Eisenhower Avenue site is located at 2111 Eisenhower Avenue in Alexandria, Virginia. The site is comprised of three separate parcels, totaling approximately 16 acres, that are generally bordered by Telegraph Road to the west, Interstate 95/495 to the south, Mill Road to the east, and Pershing Avenue to the north.

The PTO complex at the Eisenhower Avenue site would include six office buildings equally divided into two campuses on either side of the existing Eisenhower Avenue Metrorail station. All of the buildings would be 11 stories except for one building on the West Campus that would be 22 stories (293 feet) high. Parking would be accommodated in one seven-story parking structure across Eisenhower Avenue serving the West Campus and one two-story structure beneath the office buildings on the East Campus.

No Action Alternative: The No Action alternative assumes that PTO remains in its existing buildings in the Crystal City area. In addition, this alternative also assumes that reasonably foreseeable development would occur over the next four years on all sites in accordance with existing development trends for the geographic area. Under this scenario, future growth of the PTO work force would exacerbate existing operational inefficiencies associated with the distribution of PTO's various technology groups in the 18 separate office buildings, and in additional existing office space that would have to be incrementally leased in the Crystal City area. To the extent that expansion space is not available when PTO needs it, patent and trademark production would be affected. Because the No Action alternative would not adequately accommodate PTO's future growth, would hinder the operational efficiency of PTO's technical groups, and would not meet the long-term housing needs of the agency, as reflected in the SFO, it would not fulfill the purpose and need of the proposed action.

ENVIRONMENTAL CONSEQUENCES AND MITIGATION

Crystal City Alternative: PTO Consolidation at the Crystal City site would have a significant adverse effect on vegetation, an historic resource, and visual resources as a result of construction and operation of the proposed PTO Center. Construction of the PTO Center would require clearing/disturbance of vegetation along the George Washington Memorial Parkway (GWMP). The PTO Center would also adversely affect the viewshed and character of that portion of the GWMP that is designated as the Mount Vernon Memorial Highway, which is listed on the National Register of Historic Places. The PTO Center would compromise the visual quality and character of the GWMP.

While some mitigation measures could be implemented to reduce the impacts, such as landscaping and building setbacks, overall impacts to the GWMP would be adverse and unavoidable. In its comments on the both the Draft and Final EIS, the National Park Service

stated “continued, strenuous opposition” to this alternative due to its adverse impact on the scenic qualities of the Mount Vernon Memorial Highway. The Park Service also stated that it would refuse to permit use of or access to its property to support construction of this proposed project.

The Crystal City alternative is inconsistent with the Arlington County General Land Use Plan because it exceeds the permitted amount of office and commercial space at the Crystal Plaza and Crystal Park sites. The proposed development also would exceed the permitted zoning density requirements. The offeror, in its May 1999 BAFO, proposed that it would amend the General Land Use Plan and obtain the bonus density required with the support of Arlington County representatives.

This alternative would adversely affect traffic during peak hours at three intersections: US Rt. 1 and 23rd Street, US Rt. 1 and 15th Street, and Army Navy Drive and Hayes Street; however, the offeror’s proposed mitigation, presented in its May 1999 BAFO, would adequately address these impacts.

Carlyle Alternative: The Carlyle alternative would adversely affect several local plans, policies, and controls because of the mass and scale of the proposed buildings and the proposed site plan features. This alternative would be inconsistent with: the Small Area Plan requirement to enhance the City’s landmarks because the main PTO tower would have a visual impact on Alexandria National Cemetery; the Duke Street Coordinated Development District (CDD) guidelines because the site plan does not provide bike lanes and trails; and the Carlyle Development Plan and Design Guidelines under the CDD Special Use Permit because the site plan would change the site circulation, concentrate office use in one location, and physically separate the PTO campus from other types of development east of the proposed parking garages.

Concerning its inconsistencies with the Small Area Plan, the offeror stated in its May 1999 BAFO that its proposal will enhance the City’s landmarks by incorporating lower building heights than otherwise required under the Special Use Permit. As to the CDD guidelines, the offeror proposed to develop bike lanes and trails, to the extent they are appropriate in the design, and further stated that the Carlyle sidewalks and streetscape would provide approaches or connections to the existing bike lanes and trails that are adjacent to the project site. In addition, the offeror, in its May 1999 BAFO, proposed to amend the Carlyle Development Plan and Design Guidelines to the extent that its proposal was inconsistent with such Plan and Guidelines.

The Carlyle alternative would potentially have adverse impacts on Arlington County revenues and economic activity. The offeror proposed in its May 1999 BAFO to provide development advice and consulting services to Arlington County to update the Crystal City environment to an appropriate urban atmosphere. The desired result would increase leasing rents and speed the pace of backfill leasing. This adverse impact would also be lessened by the staged nature of PTO’s proposed relocation. The affected area would continue to enjoy the economic benefits of PTO’s occupancy during its incremental relocation, thus providing greater time for backfill of vacated space. GSA will also retain the ability to utilize PTO’s vacated space for use by other

Federal agencies during any remaining term of the existing leases. Any adverse economic impact to Arlington County would also be offset by corresponding positive impacts to Alexandria resulting from construction activity and long-term PTO occupancy.

The scale of the buildings in this alternative, particularly the main PTO tower, would have a visual impact on the surrounding environment. The offeror, in its May 1999 BAFO, proposed to incorporate design elements such as building setbacks and facade treatments to reduce the impact.

The PTO Consolidation at the Carlyle site would adversely affect traffic at the following five intersections during peak hours: Telegraph Road and I-95/I-495; northbound Telegraph Road and Pershing Avenue; southbound Telegraph Road and Pershing Avenue; Telegraph Road and Huntington Avenue; and Duke Street, Diagonal Road, and Dulaney Street. The mitigation proposed by the offeror in its BAFO would successfully address some, but not all of these impacts. However, roadway and intersection improvements associated with other projects, including those discussed in the Woodrow Wilson Bridge Improvement Study Final EIS, would mitigate traffic impacts for both the Carlyle and Eisenhower Avenue alternatives. The Carlyle alternative also presents safety concerns for pedestrians approaching the site and having to cross Duke Street; however, the offeror's proposed mitigation, as presented in its May 1999 BAFO, adequately addresses these concerns.

The traffic associated with the Carlyle alternative would result in a moderate increase in regional mobile source emissions. The offeror, in its May 1999 BAFO, proposed to provide all of the mitigation measures recommended in the EIS to help reduce mobile emissions. These measures included implementing carpool/vanpool programs for transporting construction workers to/from the site and coordinating with the Washington Metropolitan Council of Governments to develop and implement measures to increase public transportation use.

Construction at the Carlyle site would require remediation of contaminants in soil and groundwater. In its May 1999 BAFO, the offeror proposed to remediate all potentially contaminated areas in compliance with Virginia's Voluntary Remediation Program.

Eisenhower Avenue Alternative: The Eisenhower Avenue alternative could result in adverse impacts to wetlands from stormwater runoff. Stormwater from the site could transport sediment and pollutants to the small jurisdictional wetland area located at the site's northeastern boundary. The offeror proposed in its May 1999 BAFO to implement a stormwater management plan with Best Management Practices to avoid impacts to wetlands.

The Eisenhower Avenue alternative would potentially have adverse impacts on Arlington County revenues and economic activity. This adverse impact would be lessened by the staged nature of PTO's proposed relocation. The affected area would continue to enjoy the economic benefits of PTO's occupancy during its incremental relocation, thus providing greater time for backfill of vacated space. GSA will also retain the ability to utilize PTO's vacated space for use by other Federal agencies during any remaining term of the existing leases. Any adverse

economic impact to Arlington County would also be offset by corresponding positive impacts to Alexandria resulting from construction activity and long-term PTO occupancy.

In the analysis presented in the Final EIS, this alternative was found to be inconsistent with Eisenhower Avenue CDD guidelines because the proposed 22-story building exceeded the height limit of 270 feet by 23 feet. However, in its BAFO of May 21, 1999, the offeror reduced the height of the building to within the CDD guidelines. The offeror compensated for the loss of floor space in this building by adding one floor to each of the remaining buildings in its proposed complex. The reduced scale of this building would slightly reduce the anticipated moderate visual impacts of the development on the Huntington area, as described in the Final EIS.

This alternative would have visual impacts on the surrounding environment. The mass and scale of the buildings would have a moderate visual impact on the Huntington area, and the pedestrian overpass would have a moderate visual impact on the Eisenhower Corridor. The offeror's May 1999 BAFO, in which the height of its proposed tower was reduced to within CDD guidelines, reduces the severity of this impact.

The PTO Consolidation at the Eisenhower Avenue site would adversely affect five intersections during peak hours: Telegraph Road and I-95/I-495, northbound Telegraph Road and Pershing Avenue, southbound Telegraph Road and Pershing Avenue, Telegraph Road and Huntington Avenue, and Duke Street, Diagonal Road, and Dulaney Street. The mitigation proposed by the offeror in its BAFO would not successfully address all of these impacts. However, roadway and intersection improvements associated with other projects, including those discussed in the Woodrow Wilson Bridge Improvement Study Final EIS, would mitigate traffic impacts for both the Carlyle and Eisenhower Avenue alternatives.

The traffic associated with the Eisenhower Avenue alternative would result in a moderate increase in regional mobile source emissions. The offeror's May 1999 BAFO did not propose mitigation in addition to what is required by local and Commonwealth laws, and published criteria.

No Action Alternative: The No Action alternative would have moderate impacts on downstream waterbodies from untreated stormwater runoff in the Crystal City area. Anticipated development of the Carlyle and Eisenhower Avenue sites based on regional development trends would affect the existing environment in ways similar to those identified for the Carlyle and Eisenhower Avenue alternatives, although the development would likely occur on a smaller scale. Under the No Action alternative, PTO would continue to experience operational inefficiencies as a result of the distribution of personnel and various technology groups in 18 different buildings and additional leased space with limited regard for organizational relationships.

Environmentally Preferred Alternative: CEQ's regulations implementing NEPA require an agency to identify the alternative or alternatives that are considered to be environmentally preferable. In this case, the nature and intensity of the environmental impacts related to each

action alternative are very similar. While the results of the EIS indicate that the No Action alternative may involve the fewest impacts to environmental and historical resources, this alternative does not, as noted above, satisfy the purpose and need underlying the proposed action.

Of the issues that distinguish between the action alternatives, those that are most identifiable are the adverse effects of the Crystal City alternative on the George Washington Memorial Parkway, and the adverse effects of the Carlyle and Eisenhower Avenue alternatives on traffic at several intersections in the Eisenhower Valley. Based on the analysis of the Crystal City alternative in the EIS, the offeror's May 1999 BAFO, and comments on the alternative from the National Park Service, the adverse effects of this proposal on the resources discussed above, including the historic Mount Vernon Memorial Highway, appear to be unavoidable.

While the adverse effects of the Crystal City alternative on the George Washington Memorial Parkway are unavoidable and objectionable to the National Park Service, the adverse traffic impacts associated with the Carlyle and Eisenhower Avenue alternatives, while significant, could be mitigated through appropriate roadway improvements. Both of the offerors for these action alternatives proposed mitigation measures as part of their May 1999 BAFOs that addressed certain roadway improvements. In addition, roadway improvements already implemented by the City of Alexandria and State of Virginia, as well as other planned roadway improvements by the City, together with improvements associated with the Woodrow Wilson Bridge redevelopment, would mitigate adverse traffic impacts identified in the Final EIS.

For purposes of identifying an environmentally preferred alternative among the action alternatives that meet the purpose and need of the proposed project, the Carlyle and Eisenhower Avenue alternatives are considered equally as being environmentally preferred to the Crystal City alternative.

COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT

As part of its compliance with Section 106 of the National Historic Preservation Act and NEPA, GSA investigated and evaluated the potential impacts on historic and archaeological resources of each of the alternatives considered for the PTO Consolidation project. That investigation included consultations with local experts, research conducted at the Virginia State Historic Preservation Officer's (VASHPO) Office, local planning offices, the Office of Alexandria Archaeology, and the Arlington County Historic Affairs and Landmark Review Board. It also included a series of field investigations. Those efforts are described in detail in pages 3-64 to 3-65 of the Draft EIS.

With respect to the architectural resources, development of the action alternatives would not cause an adverse effect on historic resources, with the exception of the Crystal City site. Development of the Crystal City site would cause an adverse effect, as discussed above, to the Mount Vernon Memorial Highway. With respect to archaeological resources, no archaeological

resources are known to exist at any of the sites. Varying levels of investigation have occurred at each of the sites, and some potential exists for undiscovered archaeological resources to be identified in the future. Each of the offerors in their May 1999 BAFOs indicated that they would perform required archaeological testing of their sites if selected. The potential effects on both architectural and archaeological resources are addressed in pages 4-42 through 4-49 of the Draft EIS.

As required by Section 106, GSA has consulted with the VASHPO and the Advisory Council on Historic Preservation (ACHP) about the identification of historic resources, the potential effects on those resources, and appropriate treatment measures for addressing adverse effects. GSA will continue to consult with the historic agencies along with the selected offeror to ensure that any additional actions required pursuant to Section 106 are addressed. To ensure that GSA's Section 106 obligations are adequately addressed, GSA required in Amendment No. 14 to the SFO that the selected offeror cause to be prepared and executed a Memorandum of Agreement (MOA) between and among, at a minimum, the Lessor, GSA, the VASHPO, and the ACHP, in accordance with 36 CFR Part 800. The MOA will be incorporated into and made part of the Lease at the time of its execution. The Lessor will be required to comply with all terms and conditions of the MOA related to the development of its site. All offerors committed to meeting all SFO requirements pertaining to historic and archaeological resources as documented in their May 1999 BAFOs.

PROPOSED ACTION

As noted above, the SFO provided the evaluation criteria against which all proposals would be evaluated and a selection decision made. Again, the Phase Two evaluation criteria were quality of the site (35%), quality of the facility design (45%), quality of the interior architect (10%), and quality of the O&M firm (10%). Environmental impacts and mitigation measures identified as part of GSA's review of the proposed leasing action under NEPA, and an offeror's ability and willingness to resolve such impacts and implement mitigation measures was considered as a subfactor to "Quality of Site" in the Phase Two evaluation. In arriving at a selection decision, price was of significantly less importance than the combined weight of the technical factors. However, the SFO provided that price would become more important as the technical merit of proposals became more equal.

Based on the evaluation criteria discussed above, a Source Selection Advisory Board (SSAB) comprised of Government officials, evaluated the May 1999 BAFOs submitted by the offerors and recommended that the proposal submitted by LCOR Alexandria L.L.C., for development of the Carlyle site, be selected for award. The Source Selection Official for the procurement adopted this recommendation. LCOR was found to have the highest rated technical proposal, and offered the lowest price. As a result, LCOR's proposal for development of the Carlyle site was determined to present the greatest overall value to the Government, consistent with the evaluation criteria stated in the SFO. Execution of a long-term lease, consistent with the SFO

and LCOR's proposal, is identified as the Government's Proposed Action to meet the purpose and need of the PTO Consolidation Project.

MITIGATION MEASURES

Mitigation measures were identified in the EIS to address environmental impacts resulting from construction or operation of the proposed PTO Consolidation project. In addition, mitigation commitments were identified by the individual offerors in their responses to the SFO and considered in the evaluation process to select a preferred alternative for the project. The final mitigation commitments from the offerors were received in their BAFOs to GSA in May 1999.

The following mitigation commitments were made by LCOR Alexandria, L.L.C. as part of its May 21, 1999, BAFO:

Topography/Geology

- Offeror will use Best Management Practices during construction.
- Offeror will comply with Virginia Erosion & Sediment Control Law (as enforced by City of Alexandria).
- Offeror will properly dispose of contaminated soil off-site.

Hydrology and Water Quality

- Offeror will implement a stormwater management plan with Best Management Practices for PTO construction and operations.
- Offeror will comply with the Chesapeake Bay Preservation Act (as enforced by City of Alexandria).
- Contaminated groundwater, if any, will be treated to the extent required by applicable law.
- Offeror will properly dispose of contaminated groundwater off-site to the extent groundwater removal is required by applicable law.
- Offeror will comply with Virginia Coastal Resources Management Program and obtain all required permits prior to construction.

Plans, Policies, and Controls

- To the extent its proposal is inconsistent with the Carlyle Development Plan and Design Guidelines, offeror will obtain an amendment to the Development Plan or revise the site plan.
- Offeror will develop bicycle lanes and trails to the extent appropriate for sidewalks and streets as designated in the Carlyle Development Plan and Design Guidelines.

Economic Conditions

- Offeror will provide development advice/consulting services to Arlington County, if desired, to increase rents and speed up backfill leasing in Crystal City.

Archaeological and Historic Resources

- Offeror will comply with all requirements of the SFO, which requires compliance with all applicable laws. The City of Alexandria (which is a “Certified Local Government”) and the Carlyle Landowner have a MOA in place.
- The offeror will negotiate and enter into an additional MOA with the appropriate parties in accordance with the requirements of the SFO.

Visual Resources

- Offeror will incorporate design elements such as building setbacks and/or varying facade treatments that reinforce the view on axis with the planned Emerson Avenue and mitigate the combining of Blocks M and N.
- Offeror will consider the possibility of screening cars from adjacent residential uses.
- Offeror will obtain an amendment to the Special Use Permit that would allow for a 60-foot tall parking structure and for buildings that are taller than are currently allowed on blocks F, G, I, K, M, and N.

Traffic System Impacts

- Offeror will implement a Transportation Management Plan (TMP) with the following traffic reduction measures:
 - TMP contributions of approximately \$238,000 per year;
 - Offeror will publicize and promote non-SOV use;
 - Offeror will display information on non-SOV options;
 - Offeror will administer a ride-sharing program;
 - Offeror will encourage staggered work hours, van pools and carpools through parking incentives;
 - Offeror will administer on-site sale of discounted bus and rail fare media; and
 - Offeror will conduct annual surveys.
- The following road improvements have been done or are committed to per the Carlyle S.U.P.:
 - Improve Holland between Duke and Eisenhower;
 - Extend Eisenhower to Holland;
 - Improve Jamieson and Mill Road intersection;
 - Build Carlyle internal streets; and
 - Build intersections of internal streets with Duke and Eisenhower.
- Offeror will pay Carlyle community fees of \$95,000 per year to maintain site infrastructure and/or roads in Carlyle.
- Offeror will contribute \$110,000 for improvements to five intersections affected by project-related peak hour traffic.

Parking Systems

- Offeror will monitor demand for parking as part of TMP.

Pedestrian and Bicycle Transportation Systems

- Offeror will construct a pedestrian-actuated crossing signal and crosswalk provided: (1) all state and local authorities approve the work and (2) traffic industry standard “warrants” are achieved.
- On occupancy of the PTO complex, offeror will conduct a traffic study to identify peak pedestrian traffic and appropriate times and places for police-assisted pedestrian crossings.

Construction Impacts

- Without reference to any particular lane closing, the offeror will close or re-route traffic during construction in accordance with state and local approvals.

Traffic Management Program

- Offeror will continue the existing TMP.

Air Quality

- Offeror will use standard construction measures to control fugitive dust emissions in compliance with the Virginia Air Pollution Control Law.
- Offeror will restrict use of cutback asphalt from April through October.
- Offeror will ensure construction equipment engines are maintained properly.
- Offeror will implement carpool/vanpool program for transporting construction workers to and from project site.
- Offeror will coordinate with MWCOG to develop and implement measures to increase public transportation use and reduce long-term mobile source emissions (possibly including a public awareness program to reduce air pollution and save energy resources) and to ensure that the proposed action maintains conformity with the State Implementation Plan.
- Offeror will comply with Virginia Coastal Resources Management Program and obtain all required permits prior to construction
- Offeror will monitor air emissions from any contaminated soils to the extent required by Voluntary Remediation Program (VRP) or applicable law.
- During ozone season, offeror will limit emissions from aeration of petroleum-contaminated soils or groundwater, vehicular or equipment engine idling, and use of pesticides/herbicides containing VOCs.

Noise Levels

- Offeror will limit hours of construction in compliance with the City of Alexandria Noise Control Ordinance.
- Offeror will develop and implement strategies to increase usage of public transportation systems and limit automobile use, possibly including a public awareness program to reduce air and noise pollution.

Hazardous Materials

- Offeror will develop a pollution prevention plan.
- Offeror will institute a health and safety program.

- Offeror will decontaminate excavation and transport equipment.
- To the extent required by applicable law or the VRP, the offeror will identify and remediate all potentially contaminated areas.
- The offeror has already obtained a RCRA generator permit.
- To the extent required by applicable law or the VRP, the offeror will monitor off-site air emissions.
- Offeror will implement an erosion and sediment control plan.
- To the extent required by applicable law or the VRP the offeror will remediate groundwater.
- Offeror will manage wastes in accordance with regulations.
- Offeror will comply with Virginia Coastal Resources Management Program and obtain all required permits prior to construction.
- Offer will comply with applicable law for air emissions related to soil incineration if incineration occurs.

Water Supply

- Offeror will use proper construction practices to minimize disruption, noise and dust.
- Offeror will use water-conserving fixtures/systems.

Wastewater

- Offeror will use proper construction practices to minimize disruption, noise, and dust.
- Offeror will use water-conserving fixtures/systems.

Stormwater Management

- Offeror will obtain VPDES stormwater permit as required for construction.
- Offeror will implement Best Management Practices.

Energy Systems

- Offeror will use energy-efficient equipment/systems.
- Offeror will use proper construction practices to minimize disruption, noise, and dust.

Solid Waste

- Offeror will continue PTO recycling program.

Communication Systems

- Offeror will use proper construction practices to minimize disruption, noise, and dust.

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DECISION

Based on the discussion above, and after giving consideration to all of the factors discovered during the environmental review process related to this project, it is GSA's decision to proceed with the Proposed Action: execution of a long-term lease with LCOR Alexandria, L.L.C. for development of the Carlyle site, consistent with the terms of the SFO and LCOR's BAFO, to meet PTO's long-term space needs.

Nelson B. Alcalde
Regional Administrator
General Services Administration
National Capital Region

Date: _____